



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 03631-99
2 February 2000

PN [REDACTED] USNR
[REDACTED]
[REDACTED]

Dear Petty Officer [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 7 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



3631-99

DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
7 OCT 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: PN1 PAMELA [REDACTED], USN, [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of the report for the period 16 November 1997 to 15 November 1998.

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record revealed the report in question to be on file. The member signed the report indicating her desire to submit a statement. The member's statement, along with the command's endorsement is on file.

b. The member alleges that during the period in question she did not receive mid-term counseling as indicated in her performance report. Counseling on performance is mandatory per reference (a), Annex C. Since counseling may occur in several different ways, i.e., verbal, written, etc., written documentation of counseling is not mandatory. Based on the reporting senior's endorsement oral counseling was performed by [REDACTED]. The fact that counseling did or did not occur does not invalidate a report.

c. The member states that her immediate supervisor submitted a performance report with an individual trait average of "4.86" and a promotion recommendation of "Early Promote". The member alleges that the report submitted by her immediate supervisor was lowered by the command chief. The member feels that the command chief could not effectively evaluate her performance due to him not directly observing her during the period in question. Input from members, immediate supervisors and the chain of command is encouraged, but is at the discretion of the reporting senior. In what manner the report is developed it represents the judgment and appraisal responsibility of the reporting senior.

Subj: PNI [REDACTED] US [REDACTED]

d. The report in question is not considered declining since the reporting senior [REDACTED] has not previously reported on the member's performance. The marks, comments and recommendations are at the discretion of the reporting senior, and are not routinely open to challenge.

e. The member does not prove the report to be unjust or in error.

3. We recommend retention of the report in question.

[REDACTED]

Head, Performance
Evaluation Branch